

AQ88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

NORTH CAROLINA

MELVIN NEWSOME, ET AL.

V.

UP-TO-DATE LAUNDRY, INC., ET AL.

SUBPOENA IN A CIVIL CASE

United States District Court
for the District of Maryland
Case Number: 501-2257TO: Murray S. Simpson, Ph.D. / Peopleclick Analytics
Two Hanover Square, 7th Floor
Raleigh, NC 27601

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

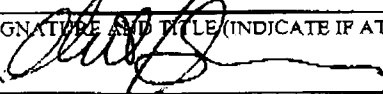
See Attachment A

PLACE	DATE AND TIME
Heller, Huron, Chertkof, Lerner, Simon & Salzman, PLLC 1730 M Street, NW, Suite 412, Washington, DC 20036	3/17/2003 10:00 am

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
	2/25/2003

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Philip J. Simon / Heller, Huron, Chertkof, Lerner, Simon & Salzman, PLLC
1730 M Street, NW, Suite 412, Washington, DC 20036 Tel. (202) 293-8090

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.Exhibit
E

AO88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the non-demanding party to contest the claim.

SIMPSON SUBPOENA ATTACHMENT A

INSTRUCTIONS

For the purpose of this Subpoena, the term "documents" shall mean the same as the words "writings and recordings" as defined in Rule 1001 of the Federal Rules of Evidence which provides:

'Writings' and 'recordings' consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

"Documents" thus includes, but is not limited to, any and all writings whether typed, printed or handwritten, of whatever kind and in whatever form, as well as any recording and any transcript of such recording, and any computer medium containing information convertible into a written document and any transcription of such computer medium.

The term "document" as used in these requests embraces all documents within your possession, custody or control, or the possession, custody or control, including any writing whether typed, printed or handwritten, of whatever kind and in whatever form, as well as any video or audio tape recording and any transcript of such recording, any electronic or computer medium containing information convertible into a written document and any transcription of such electronic or computer medium (e.g., e-mail and other documents produced using a computer). A copy of a document on which any notations have been made is to be considered a separate document.

If any information or document is withheld from your response on grounds of any privilege or objection, you shall describe in full the nature of the information or document withheld and provide a detailed explanation of the basis for any claim of privilege or objection.

In accordance with the attached subpoena, please produce the following documents:

REQUESTS FOR DOCUMENTS

Please produce legible and unredacted copies of the following documents. If any of the documents are maintained electronically, please produce both the electronic version and the hard copy of such documents:

1. Produce all documents that identify the total percentage of your gross income that was earned from providing expert witness services or consulting services for parties involved in litigation or litigation support services during the past five years.

2. Produce all documents that identify all any and all cases in which you have provided expert services consulting services for parties involved in litigation or litigation support services during the past five years in sufficient detail to enable the plaintiffs to locate the court file and/or issue a subpoena for it.

3. Produce each and every document in connection with your work for Up-To-date Laundry, including but not limited to, all contracts, correspondence, including email correspondence, between yourself and Up-To-Date or its counsel, (including all billing correspondence), and all preliminary drafts of the final report produced on February 20, 2003, including electronic versions.

4. Produce any internal corporate studies of equal employment opportunity issues in which you have participated or assisted clients, or which you drafted or conducted, during the past five years.

5. Produce any compensation studies or analyses of the potential discriminatory impact of employment decisions in which you have participated, or which you drafted or conducted, during the past five years.

6. Produce any statistical studies in which you have participated, or which you drafted or conducted, that assist federal contractors in responding to audits of their employment practices by the Office of Federal Contract Compliance Programs, during the past five years.

7. Produce any reports you have prepared or drafted, or in which you have assisted in any way, which "convey results, conclusions and recommended course of action to clients," as stated on Page 1 of your CV, in the past five years.

8. Produce copies of all articles you wrote for, or submitted to, any publication, including newsletter and trade journal columns, in the past five years, including but not limited to, the publications listed in your CV at page 3.

9. Produce a copy of the volume of papers you co-edited for a professional conference which you described at Page 1 of your CV.

10. Produce copies of all presentations you have made in the last five years, including but not limited to the thirteen presentations listed in your CV at pages 4-5.

11. Produce copies of all presentations relating to employment discrimination and litigation support which you have made in the last five years, including but not limited to, the presentations listed in your CV at pages 3-4.

12. Produce copies of all statistical, econometric or quantitative analyses which you produced, prepared or drafted for clients in the past five years.

13. Produce any and all documents relating to any design or execution of statistical analysis of decisions made by Up-To-Date Laundry regarding starting wages, work assignments and allocation of overtime.

14. Produce any and all documents relating to any analysis of personnel data provided by Up-To-Date Laundry, any preliminary results, and any documents relating to preparation for a deposition in the Up-To-Date litigation.